

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Richmond Division

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 3:19-CR-130-MHL
)	
OKELLO T. CHATRIE,)	
)	
Defendant.)	

**GOVERNMENT’S REPLY TO DEFENDANT’S RESPONSE TO
STATUS UPDATE REGARDING FILING SEARCH
WARRANTS AT ISSUE IN THIS MATTER**

The United States of America, by its undersigned attorneys, hereby provides this Reply to the Defendant’s Response regarding the filing of search warrants at issue in this matter

Following the Court’s status conference on December 12, 2019, undersigned counsel advised the defendant’s lead counsel on December 13, 2019, that the Court’s chambers would be provided with full copies of the search warrants and returns at issue in this case. That provision of returns included the raw data returns provided by Google in response to the State Geofence Search Warrant.

Accordingly, the Court has advance copies of this Geofence return data and it will be introduced at the hearings related to the defendant’s motion for discovery and motion to suppress relating to the Geofence. Stated simply, the United States does not agree with defense counsel’s contention that the Court does not have this raw return data now nor its belief that the Court may not, under these circumstances, review the matter in advance of the discovery and suppression hearings. The contention may have been premised on the mistaken belief that the Court did not currently have the raw return data for the Geofence State Search Warrant.

It has never been the United States’ position that the two-hours of location history data, in

and of itself, is the type of information warranting sealing pursuant to Local Federal Criminal Rule 49(B)(1)-(3).

Respectfully submitted,

G. ZACHARY TERWILLIGER
United States Attorney

_____/s/_____
Kenneth R. Simon, Jr.
Assistant United States Attorney
United States Attorney's Office
Eastern District of Virginia
919 E. Main Street, Suite 1900
Richmond, VA 23219
(804) 819-5400
Fax: (804) 771-2316
Email: Kenneth.Simon2@usdoj.gov

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of December, 2019, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send an electronic notification of such filing to the following:

Laura Koenig
Office of the Federal Public Defender (Richmond)
701 E Broad Street
Suite 3600
Richmond, VA 23219
Email: Laura_Koenig@fd.org

Paul Geoffrey Gill
Office of the Federal Public Defender (Richmond)
701 E Broad Street
Suite 3600
Richmond, VA 23219
Email: paul_gill@fd.org

Michael William Price
National Association of Criminal Defense Lawyers
1660 L Street NW
12th Floor
Washington, DC 20036
(202) 465-7615
Email: mprice@nacdl.org
PRO HAC VICE

_____/s/_____
Kenneth R. Simon, Jr.
Assistant United States Attorney
United States Attorney's Office
Eastern District of Virginia
919 E. Main Street, Suite 1900
Richmond, VA 23219
(804) 819-5400
Fax: (804) 771-2316
Email: Kenneth.Simon2@usdoj.gov